

DECISION RECORD

EA Number: OR-056-02-038

Title of Action: Pacificorp Right-of-Way

Serial Number: OR 33383

BLM Office: Prineville District, Oregon

Proposed Action:

The proposed action is the grants an electrical distribution line right-of-way (ROW) across Bureau of Land Management (BLM) managed public lands to Pacificorp to allow for utility service to private properties. The BLM managed public lands are located in Township (T.) 14 South, Range (R.) 13 East, Section 18; N½NW¼NE¼, and T. 14 S., R. 12 E., Section 13; N½N½, of the Willamette Meridian, Oregon (see attached map).

Decision:

It is my decision to grant Pacificorp an electrical distribution line as described in Alternative B: Proposed Action of EA Number OR-056-02-038, dated April 29, 2002 to allow for utility service to private properties. This decision would allow for installation of approximately 8,700 feet of new 12.5 KV three phase aerial electrical distribution line. It would also allow for 28 power poles installed with the existing Deschutes County Road Right-of-Way (ROW), 15 anchors with down guys and #2 AAAC Conductor outside the ROW.

Rationale:

Purpose and Need

Need

The need for the ROW is to provide reliable electrical services to customers in the Lower Bridge area. The BLM has a need to comply with the BLM's policy to manage ROW use of public land through a system of designated ROW corridors. The Prineville District, Deschutes Resource Area has a need to comply with the Brothers/La Pine Resource Management Plan (RMP) Record of Decision (ROD) regarding the granting of a ROW (Brothers/La Pine ROD, 1989, pgs. 29, 33 & 34):

"...actions approved will be consistent with the objectives of the RMP (pg.29)."

“Each right-of-way shall be limited to the area necessary for operation and maintenance, will consider the protection of public safety and will do no unnecessary damage to the environment (pg. 33).”

“Each right-of-way shall contain terms and conditions requiring compliance with environmental quality standards applicable to Federal or State law (pg33).”

Purpose

The purpose is to provide an electrical distribution line across BLM managed public lands to Pacificorp, allowing utility service to private properties. To comply with the Brothers/La Pine RMP, the proposed action will incorporate the following objectives:

- Reduce disturbance to soils and vegetation on BLM managed land and limit the potential for the invasion of noxious weeds.
- Maintain or increase public safety on BLM managed public lands.
- Use existing ROW corridors where possible.
- Limit impacts to and conflicts with existing permitted uses of the BLM managed public land.

Conformance and Consistency

Rights-of-Way (BLM Manual 2800.06(B))

BLM Manual 2800.06 (B) states that it is the policy of the BLM to:

“Manage right-of-way use of the public land through a system of designated right-of-way corridors. The use of right-of-way corridors will be actively encouraged by the Bureau managers whenever practical and feasible.”

Brothers/La Pine RMP/ROD

“Brothers/La Pine Resource Management Plan Record of Decision and Rangeland Program Summary (Prineville District, July 1989): The Brothers/La Pine Resource Management Plan Record of Decision, which is the land use plan that covers the BLM managed lands in the area where the ROWs are being applied for provides the following management direction for Rights-of-Way and Utility and Transportation Corridors (pg.29 and pgs. 33 & 34):

“...actions approved will be consistent with the objectives of the RMP.”

“Each right-of-way shall be limited to the area necessary for operation and maintenance, will consider the public safety and will do no unnecessary damage to the environment.”

“Public lands will continue to be available for rights-of-way, including multiple use and single use utility/transportation corridors following existing routes, communication sites, and roads.”

“All right-of-way applications will be reviewed using the criteria of following existing corridors wherever practical and avoiding proliferation of separate rights-of-way...All designated areas of critical environmental concern and wilderness study areas will be considered right-of-way exclusion areas. Federally designated wild and scenic rivers, as well as rivers identified as eligible as potential wild and scenic rivers, will also be considered exclusion 1 areas. All areas identified as having special status plant or animal species will be avoidance areas. Areas having high or sensitive visual qualities will be avoided or appropriate mitigation measures taken.”

Alternatives Considered

Alternative A: No Action

An electrical distribution line ROW would not be granted. Everything else will remain the same.

Alternative B: Proposed Action

The proposed action is grants of an electrical distribution line ROW across BLM managed public lands to Pacificorp to allow for utility service to private properties. Pacificorp is requesting to install approximately 8,700 feet of new 12.5 KV three phase aerial electrical distribution line. This line will consist of 28 power poles installed within the Deschutes County Road ROW and 15 anchors with down guys and #2 AAAC Conductor outside the ROW.

Mitigation Measures

All practical means to avoid or minimize environmental harm have been adopted under the Proposed Action.

Compliance and Monitoring

The ROW grant will contain terms and conditions requiring compliance with environmental quality standards pursuant to Federal or State law. Such terms and conditions are intended to provide efficient management of the lands subject to the ROW and to protect the interest of individuals living in the area as well as the public interest in the Federal lands.

Terms/Conditions/Stipulations

- a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. The right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.

- d. The map set forth in Exhibit A, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. Any human remains, cultural and/or paleontological resource (historic or prehistoric or vertebrate fossil site or object) discovered by the Holder, or any person working on his behalf, on public or Federal land shall be immediately reported by telephone to the authorized officer. The Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures to be made by the authorized officer after consulting with the Holder. In some cases it may be necessary to suspend authorized operations in the area of the discovery for as much as 30 days.
- h. In the event the holder sells the property the holder is responsible for completing an assignment to transfer this authorization to the new landowner.
- i. The holder shall be strictly liable for damages that occur as a result of fires caused by the electrical lines. This liability shall not exceed \$1,000,000.00 for any one event. Any liability in excess of such amount shall be determined by ordinary rules of negligence of the jurisdiction in which the damage or injury occurs.
- j. Construction holes left open over night shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.
- k. The holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to, barricades for open trenches, flagmen/women with communication systems for single-lane roads without intervisible turnouts, and attended gates for blasting operations.

- l. Powerlines shall be constructed in accordance to standards outlined in "Suggested Practices for Raptor Protection on Powerlines," Raptor Research Foundation, Inc., 1981. The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "eagle safe." Such proof shall be provided by a raptor expert approved by the authorized officer. The BLM reserves the right to require modifications or additions to all powerline structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States.
- m. The holder shall coordinate with the authorized officer on the design and color of the poles and transmission lines to achieve the minimum practicable visual impacts.
- n. The holder shall use nonreflecting lines and conductors.

Robert B. Towne
Deschutes Field Manager

Date

Attachment:
Maps